

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 606

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE SAFETY RESTRAINTS; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-719, IDAHO CODE, TO ESTABLISH THE HIGHWAY SAFETY FUND, TO PROVIDE FOR USE OF THE FUND, TO PROVIDE FOR MONEYS TO THE FUND, TO PROVIDE FOR CONTINUOUS APPROPRIATION AND TO PROVIDE FOR INTEREST EARNED; AMENDING SECTION 49-673, IDAHO CODE, TO PROVIDE THAT PERSONS ISSUED A CERTAIN CITATION SHALL BE SUBJECT TO COURT COSTS, TO PROVIDE FOR APPORTIONMENT OF MONEYS, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE FOR APPLICATION OF LAW, AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 5, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-719, Idaho Code, and to read as follows:

40-719. HIGHWAY SAFETY FUND ESTABLISHED -- MONEYS PROVIDED FOR -- APPROPRIATION AND USE. (1) A fund is hereby established in the state treasury to be known and designated as the "highway safety fund". The fund shall be used by the Idaho transportation department solely for the purpose of highway safety programs and projects to reduce deaths and serious injuries resulting from motor vehicle crashes. There shall be set aside, paid into and credited to the fund moneys collected by the courts as court costs assessed for safety restraint violations under section 49-673(c), Idaho Code, or other moneys as provided by law.

(2) All moneys credited to the highway safety fund shall be continuously appropriated to the department for the purposes provided for in this section. Interest earned on moneys in the highway safety fund shall be paid to the highway safety fund.

SECTION 2. That Section 49-673, Idaho Code, be, and the same is hereby amended to read as follows:

49-673. SAFETY RESTRAINT USE. (1) Except as provided in section 49-672, Idaho Code, and subsection (2) of this section, each occupant of a motor vehicle which has a gross vehicle weight of not more than eight thousand (8,000) pounds, and which was manufactured with safety restraints in compliance with federal motor vehicle safety standard no. 208, shall have a safety restraint properly fastened about his body at all times when the vehicle is in motion.

(2) The provisions of this section shall not apply to:

(a) An occupant of a motor vehicle who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety restraint;

1 (b) Occupants of motorcycles, implements of husbandry and emergency
2 vehicles;

3 (c) Occupants of seats of a motor vehicle in which all safety restraints
4 are then properly in use by other occupants of that vehicle; or

5 (d) Mail carriers.

6 (3) (a) A citation may be issued to:

7 (i) Any occupant of the motor vehicle aged eighteen (18) years
8 or older who fails to wear a safety restraint as required in this
9 section; and

10 (ii) The operator of the motor vehicle if the operator is aged
11 eighteen (18) years or older and any occupant under eighteen (18)
12 years of age who fails to wear a safety restraint as required in
13 this section. For purposes of this paragraph (a)(ii), it shall
14 be deemed a single violation regardless of the number of occupants
15 not properly restrained.

16 (b) A person issued a citation pursuant to this subsection shall be
17 subject to a fine of ten dollars (\$10.00), with five dollars (\$5.00)
18 of such fine to be apportioned to the catastrophic health care cost
19 fund, as set forth in section 57-813, Idaho Code, plus court costs;
20 provided however, that such court costs shall not exceed the amount
21 apportioned in subsection (3)(c) of this section. A conviction
22 under this subsection shall not result in violation point counts as
23 prescribed in section 49-326, Idaho Code, nor shall such a conviction be
24 deemed to be a moving traffic violation for the purpose of establishing
25 rates of motor vehicle insurance charged by a casualty insurer.

26 (c) Notwithstanding the provisions of chapter 32, title 31, Idaho
27 Code, the court costs provided for in subsections (3)(b) and (4) of this
28 section shall be apportioned in the following manner:

29 (i) Five dollars (\$5.00) shall be apportioned to the state
30 highway safety fund as created in section 40-719, Idaho Code; and

31 (ii) Five dollars (\$5.00) shall be apportioned to the Idaho
32 statewide trial court automated records system (ISTARS)
33 technology fund as created in section 1-1623, Idaho Code; and

34 (iii) Five dollars (\$5.00) shall be apportioned to the district
35 court fund as created in section 31-867, Idaho Code; and

36 (iv) Twenty-six dollars and fifty cents (\$26.50) shall be
37 apportioned to the catastrophic health care cost fund, as created
38 in section 57-813, Idaho Code.

39 (d) The distribution of court costs provided for in subsection
40 (3)(c) shall not apply if, in addition to charging a violation of the
41 provisions of this section, the citation also charges an infraction or
42 violation of a provision other than the provisions of this section.

43 (e) In the event the distribution of court costs provided for in
44 subsection (3)(c) does not apply, the distribution of court costs shall
45 be as provided for in section 31-3201, Idaho Code.

46 (4) A citation may be issued to the operator of the motor vehicle if
47 the operator is under eighteen (18) years of age and the operator or any
48 other occupant who is under eighteen (18) years of age fails to wear a safety
49 restraint as required in this section. For purposes of this subsection, it
50 shall be deemed a single violation regardless of the number of occupants not

1 properly restrained. A person issued a citation pursuant to this subsection
2 shall be subject to a fine of ten dollars (\$10.00), five dollars (\$5.00) of
3 such fine to be apportioned to the catastrophic health care cost fund as set
4 forth in section 57-813, Idaho Code, plus court costs, provided however,
5 that such court costs shall not exceed the amount apportioned in subsection
6 (3) (c) of this section. A conviction under this subsection shall not result
7 in violation point counts as prescribed in section 49-326, Idaho Code. In
8 addition, a conviction under this subsection shall not be deemed to be a
9 moving traffic violation for the purpose of establishing rates of motor
10 vehicle insurance charged by a casualty insurer.

11 (5) Enforcement of this section by law enforcement officers may be
12 accomplished only as a secondary action when the operator of the motor
13 vehicle has been detained for a suspected violation of another law.

14 (6) The department shall initiate and conduct an educational program,
15 to the extent sufficient private donations or federal funds for this
16 specific purpose are available to the department, to encourage compliance
17 with the provisions of this section and to publicize the effectiveness of use
18 of safety restraints and other restraint devices in reducing risk of harm to
19 occupants of motor vehicles.

20 (7) The department shall evaluate the effectiveness of the provisions
21 of this section and shall include a report of its findings in its annual
22 evaluation report on the Idaho highway safety plan which it submits to
23 the national highway traffic safety administration and federal highway
24 administration pursuant to 23 U.S.C. section 402.

25 (8) The failure to use a safety restraint shall not be considered under
26 any circumstances as evidence of contributory or comparative negligence,
27 nor shall such failure be admissible as evidence in any civil action with
28 regard to negligence.